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S/26227
3 August 1993

ORIGINAL: ENGLISH

LETTER DATED 2 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter dated 2 August 1993 written to the President of the Security Council from Dr. Ejup Ganic, Vice President, and Acting President of the Presidency of the Republic of Bosnia and Herzegovina.

I would be grateful, Excellency, if you may assist in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

Annex

Letter dated 2 August 1993 from the Acting President of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

Our sincere commitment to restore peace through negotiations in Geneva has not been equally met by the aggressor. Serbian forces continue to shell, and consequently kill, our civilian population in all regions within the Republic of Bosnia and Herzegovina. These outrages continue on a daily basis.

The Serbian army, with fresh forces from Serbia, has intensified an already heavy offensive on Mount Igman (within the "safe area" Sarajevo), as well as in the northern front near Brcko. This intensification occurred at a moment when it was expected that the offensive would cease, at least during the "peace" talks in Geneva.

The Council is well aware that there are many besieged places in Bosnia and Herzegovina, which are in fact nothing less than big concentration camps, and their inhabitants are exposed to all possible forms of humiliation and threats to life and health. The biggest one among them is Sarajevo, where 400,000 of its citizens are trying to survive under incredible hardships, being deprived of water and electricity. The population of Sarajevo is steadily being killed off, whether it be by disease facilitated by the Serbian interference in humanitarian aid, or by murder, committed by Serbian gunners in surrounding hills.

On behalf of our suffering citizens, I would like to take this opportunity to remind the Council that it is its obligation, and that it is bound, under resolutions 770 and 836, as well as the Charter which created the Council, to take concrete measures to save the civilian population from further killing, hardships and humiliation.

(Signed) Ejup GANIC
Member of Presidency
Acting President

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ORIGINAL: ENGLISH

LETTER DATED 2 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you the text of a statement by the Ministry of Foreign Affairs of the Azerbaijani Republic issued on 30 July 1993.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

050893

Annex

[Original: Russian]

Statement by the Ministry of Foreign Affairs of the Azerbaijani Republic

From 21 to 23 July 1993, armed forces of the Republic of Armenia conducted a large-scale attack using a significant number of armoured vehicles and artillery, during which it seized and occupied the Agdam district of the Azerbaijani Republic. This treacherous act by the Armenian aggressor resulted in the death of approximately 200 civilians and the displacement of 160,000.

The occupation of the Agdam district, which followed loud assurances by the Republic of Armenia that adhered to the principles of the Charter of the United Nations and of the Conference on Security and Cooperation in Europe and to the peaceful settlement of the bloody conflict it had thrust upon Azerbaijan, ripped the mask of "peace-lover" from the face of the aggressor.

The leaders of the Azerbaijani Republic asked the United Nations Security Council to consider the situation and adopt all measures to restrain the aggressor and liberate the seized Azerbaijani territories.

The Security Council, in considering the request by Azerbaijan, promptly conducted appropriate consultations and, as a result, convened an urgent meeting on 29 July during which resolution 853 (1993) was adopted.

The Azerbaijani Republic is grateful to the Security Council and its members for reacting in a timely manner to the Azerbaijani appeal and for adopting resolution 853 (1993).

Azerbaijan hopes that the Security Council's rigorous insistence on a just and peaceful settlement of the conflict based on respect for the sovereignty and territorial integrity of the Azerbaijani Republic, the inviolability of internationally recognized borders and the inadmissibility of the use of force to acquire territory will produce results.

The Azerbaijani Republic hopes that the demand for the unconditional withdrawal of occupying forces will deny the Armenian side the opportunity to repeat the tricks it used previously to impede the implementation of resolution 822 (1993) requiring that it withdraw its forces from the Kelbajar district.

Azerbaijan considers the Security Council's appeal to the Government of the Republic of Armenia that it continue to exert influence over Armenians in the Nagorny-Karabakh area to be a recognition of responsibility for the actions taken against the Azerbaijani Republic.

Gravely concerned by the massive illegal supply of weapons to the territory of Azerbaijan from the territory of the Republic of Armenia and the militarization of the occupied Azerbaijani territories, Azerbaijan properly appreciates the appeal to States to refrain from supplying weapons which might lead to an intensification of the conflict or the continued occupation of the territory. Azerbaijan has repeatedly stressed the absolute need to prevent the

supply of weapons and personnel from the territory of Armenia by way of the Lachin and Kelbajar districts, under occupation by Armenian troops, to the Nagorny-Karabakh area of the Azerbaijani Republic.

Drawing the attention of the international community to the tragic fate of more than 500,000 displaced Azerbaijanis who are awaiting humanitarian aid and cooperation to enable them to return to their homes, Azerbaijan considers the points contained in resolution 853 (1993) to be of the utmost importance.

Alarmed by the critical situation in which 350,000 inhabitants of Nakhichevan found themselves as a result of the blockade by the Armenian Republic, Azerbaijan hopes that the Armenian side will comply with the Security Council's demand for the withdrawal of occupying forces from Azerbaijani territories and an end to the bloodshed, thereby laying the groundwork for a solution to this problem.

The Azerbaijani Republic has repeatedly expressed its willingness to find a peaceful solution to the conflict and expressed serious concern about the actions taken by Armenia which are undermining the peace efforts of the Conference on Security and Cooperation in Europe and the United Nations. Azerbaijan believes that the implementation of resolutions 822 (1993) and 853 (1993) should create conditions for the pursuit of negotiations as part of the Minsk process in order to reach a peaceful solution to the conflict between Armenia and Azerbaijan.

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LETTER DATED 2 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that, notwithstanding the adoption on 29 July of Security Council resolution 853 (1993), which condemns all hostile actions in the Azerbaijani region, in particular attacks on civilians and bombardments of inhabited areas, the Armenian armed forces are increasing their combat activity along the border with Azerbaijan.

On the night of 31 July, the frontier villages in Zangelan district, Azerbaijan, were subjected to artillery shelling from firing positions in Kafan district, Armenia.

For the fourth day running, Armenian artillery is continuing to shell frontier settlements in Kazakh district, Azerbaijan. On 31 July, it targeted the villages of Gaimagly and Tatly in Akstafa district, Azerbaijan, which are in close proximity to the Baku-Tbilisi highway.

On the night of 30 July, Armenian artillery shelled the town of Fizuli with howitzers. On 30 and 31 July, the Armenian army, using the Agdere-Agdam-Martuni highway, massed fighting equipment in the Fizuli-Agdam sector. The concentration of fighting equipment and personnel belonging to the Armenian armed forces in this sector shows that the capture of the town of Fizuli is their latest goal.

As regards the aforementioned developments, I request you to take appropriate measures to secure compliance by the Republic of Armenia with resolution 853 (1993).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

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LETTER DATED 2 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to my letters, the most recent of which is contained in document S/26197, I have the honour to inform you that the Iranian armed forces have engaged in the following acts of aggression against the northern region:

1. On 20 July 1993, a Khomeini Guard force entered the villages of Sabilayn and Shiwakal in the Choarta sector and blew up one of the schools. In a clash between this force and local residents, one member of the Iranian force was killed and four others were taken prisoner. They were removed to Sulaymaniyah and handed over to the United Nations representatives. The Iranian force returned to Iranian territory.

The Iranian forces, which are stationed in Baneh, threatened to bomb Sulaymaniyah if the prisoners were not released and returned immediately to Iran.

2. At 0100 hours on 23 July 1993, Iranian forces fired Katyusha rockets into the Sulaymaniyah area, keeping up the bombardment for three hours.

The Government of the Republic of Iraq protests in the strongest terms against these fresh Iranian acts of aggression, which constitute a flagrant violation of Iraq's sovereignty and a blatant intervention in its internal affairs, and it condemns the Iranian regime's persistent violation of Security Council resolution 598 (1987).

The Government of the Republic of Iraq requests your intervention to prevent the Iranian side from repeating such acts of aggression, which are contrary to the norms of international law and the Charter of the United Nations, and it reserves its full right to respond by using any appropriate means in order to safeguard Iraq's legitimate rights.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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3 August 1993
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LETTER DATED 2 AUGUST 1993 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF EGYPT TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have pleasure in transmitting to you herewith the statement made by the Egyptian Ministry of Foreign Affairs on 1 August 1993 concerning recent developments in the problem of Nagorny Karabakh.

I should be grateful if you would have the enclosed statement circulated as a document of the Security Council.

(Signed) Dawlat HASSAN
Minister Plenipotentiary
Chargé d'affaires a.i.

Annex

Statement made on 1 August 1993 by the Egyptian Ministry of Foreign Affairs concerning recent developments in the problem of Nagorny Karabakh

Egypt has been following with close attention the agreement between the parties to the dispute concerning Nagorny Karabakh to implement the timetable for withdrawal from Kelbajar and other occupied Azerbaijani areas in accordance with the initiative of the Minsk Group in pursuance of Security Council resolution 822 adopted on 30 April 1993.

Egypt has also been following the Armenian requests for deferral of the implementation of the timetable for withdrawal, which was scheduled to begin on 11 June 1993, and the subsequent persistent attempts on the part of the Armenian side to thwart such implementation, culminating in the renewed offensive on and seizure of the Azerbaijani city of Agdam. This runs counter to the moves directed towards securing peace and jeopardizes the efforts of the Minsk Group, whose Chairman made a statement which, inter alia, strongly condemns this offensive and assigns responsibility for the loss of life and bloodshed to those who encourage continued fighting and the seizure of additional Azerbaijani territory.

In the light of the Security Council's discussion of these dangerous developments and its adoption of resolution 853 of 29 July 1993 thereon, the Government of the Arab Republic of Egypt, strongly condemning this renewed assault on and occupation of the Azerbaijani district of Agdam and viewing such action as another link in the chain of brazen and unjustified attacks on the sovereignty of Azerbaijan, demands a complete and unconditional withdrawal from the occupied Azerbaijani territory and full and immediate compliance with Security Council resolutions 822 (1993) and 853 (1993). This would allow for progress towards a settlement of the original dispute concerning Nagorny Karabakh in accordance with the provisions of international law which guarantee respect for the legitimate rights of minorities and for the unity and integrity of the territory of States.

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ORIGINAL: ENGLISH

LETTER DATED 3 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to submit to you the attached letter, dated 3 August 1993, by the President of the Presidency of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic, addressed to Your Excellency.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 3 August 1993 from the President of the Presidency of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council

The Delegation of the Republic of Bosnia and Herzegovina is here in Geneva negotiating in good faith in order to seek a settlement in accordance with the United Nations Charter, the relevant Security Council resolutions and the Principles of the London Conference. Despite the prior assurances we received from the United Nations and the European Community before coming here, we have just now received information that yesterday, the aggressor forces launched repeated attacks against the towns of Brcko, Maglaj, Tesanj, Olovo, and upon the mountains around the capital of our State, Sarajevo. In the town of Tesanj, the aggressors used ground to ground missiles of the Luna type, with devastating effect upon the civilian population. Moreover, the humanitarian situation for the civilian population living in these areas has deteriorated to subhuman conditions. There is no water, food or gas supplies for tens of thousands of human beings.

We wish to draw your attention that here at United Nations Headquarters in Geneva we are repeatedly confronted with diktats and ultimatums that we accept faits accomplis based upon the illegal use of force, war crimes, ethnic cleansing and genocide. This is in explicit violation of the United Nations Charter, the relevant Security Council resolutions, and the Principles of the London Conference.

The recent initiatives by President Clinton and NATO upholding the principles of the United Nations Charter and the London Conference have encouraged us to remain here despite all these difficulties. However, in the light of these recent developments, we are asking you to take urgent and necessary action to terminate and reverse these results of aggression and genocide for the purpose of promoting a settlement here in Geneva, and to alleviate the catastrophic suffering of our people at home. On our part, this is to inform you that the Presidency of the Republic of Bosnia and Herzegovina has today issued an order to our Armed Forces to use force strictly in self-defence.

Please accept the expressions of my highest consideration.

(Signed) Alija IZETBEGOVIC
President of the Presidency

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3 August 1993

ORIGINAL: ENGLISH

LETTER DATED 3 AUGUST 1993 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached report addressed to me on 2 August 1993 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

(Signed) Boutros BOUTROS-GHALI

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Annex

Report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia

INTRODUCTION

1. The Secretary-General reported to the Security Council on 8 July 1993 on the activities of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (S/26066). The present report contains information on the latest efforts of the Co-Chairmen to stop the conflict in Bosnia and Herzegovina, as well as on other activities of the Conference.

I. BOSNIA AND HERZEGOVINA

2. The Co-Chairmen have continued their search for a negotiated settlement to the conflict in Bosnia and Herzegovina. They have maintained contacts with the different sides to the conflict, seeking to serve as a channel of communication and to clarify ideas and proposals advanced by the parties during the discussions.

3. During their contacts with President Izetbegovic, Mr. Boban and Mr. Karadzic, as well as in related contacts with Presidents Milosevic, Bulatovic and Tudjman, the Co-Chairmen impressed upon them the urgency of reconvening peace talks to strive for a negotiated and durable solution. As part of this process, the Co-Chairmen arranged for a meeting, held in Geneva on Saturday, 17 July 1993, between President Milosevic and President Tudjman.

4. Having regard to developments on the ground, especially the deteriorating humanitarian situation and the persistence of conflict, the Co-Chairmen invited the Bosnian sides, together with Presidents Milosevic, Bulatovic and Tudjman, to come to Geneva for talks on Friday, 23 July 1993. The Co-Chairmen also appealed to the Bosnian leaders to order their forces to refrain from further hostilities and to help to alleviate the humanitarian situation, especially by assisting in the restoration of utilities in Sarajevo and in allowing access for humanitarian convoys.

5. Owing to the hostilities then taking place around Sarajevo, President Izetbegovic requested, and the Co-Chairmen agreed to, a postponement of the talks from Friday, 23 July to Sunday, 25 July 1993. For similar reasons, a further deferral was made to Tuesday, 27 July, when all sides came to Geneva for peace talks. Seven other members of the Presidency of Bosnia and Herzegovina also attended, as did Presidents Milosevic, Bulatovic and Tudjman. Furthermore, President Izetbegovic brought with him five leaders of political parties, with whom the Co-Chairmen met and held discussions.

6. The peace talks began on 27 July and were continuing as at 2 August 1993. The discussions concentrated on steps to secure a cease-fire and on ways and means of dealing with humanitarian issues; future constitutional arrangements; and the allocation of territory to the constituent entities.

A. Cessation of hostilities and humanitarian issues

7. Following discussions on 27, 28 and 29 July 1993, President Izetbegovic, Mr. Karadzic and Mr. Boban agreed to issue immediate directives to their military commanders to implement a full cessation of hostilities. They further agreed that, in order to reinforce that directive, the commanders of the three military forces should meet immediately at Sarajevo Airport under the chairmanship of the United Nations. Furthermore, the commanders should meet each day while the talks continued so as to discuss the causes of any conflict and to correct the situation. The commanders were also requested to discuss whether any modifications were needed to the military agreements contained in the Vance-Owen peace plan (see S/25479, annex IV) that all three sides have reaffirmed.

8. The military commanders of the three sides met at Sarajevo Airport on 30 July 1993 under the auspices of the Force Commander of the United Nations Protection Force (UNPROFOR). At the end of their meeting that day, they signed an agreement providing that all forces of the three parties cease firing and freeze all military activities, including military movements, deployment of forces and establishment of fortifications. The agreement also provides for permitting free passage for UNPROFOR convoys and convoy escorts and free passage for humanitarian aid convoys. The text of the agreement signed is reproduced in appendix I to the present report.

B. Constitutional Agreement

9. During the discussions on constitutional issues, all sides submitted working papers, which were distributed and discussed. Taking these submissions into account and having regard to the issues raised in the discussions, a consolidated working paper was discussed and examined article by article, with all sides participating in an open and constructive manner.

10. After intensive discussion on a number of drafts submitted by the parties, with amendments submitted by all three parties, they agreed on 30 July to a Constitutional Agreement for a Union of Republics of Bosnia and Herzegovina to form part of an overall peace settlement. The text of the Constitutional Agreement is reproduced in appendix II to the present report.

C. Access Authority

11. The Co-Chairmen stressed the vital importance of ensuring freedom of movement throughout the country. They proposed establishing an Access Authority, as foreseen under the Vance-Owen peace plan, with throughways to ensure access in sensitive areas of the country after UNPROFOR withdraws. They also stressed that the "blue route" concept in the Agreement for Peace in the Vance-Owen peace plan would also be maintained and that would ensure, within a few days, access through Sarajevo city and the surrounding areas out to key cities.

12. The railway and road from Ploce to Doboj which, after it crosses the Croatian border, follows the route Mostar-Jablanica-Sarajevo-Zenica-Doboj,

criss-crosses all three of the constituent republics. For this reason, the Co-Chairmen strongly felt that it should be run by the Access Authority. There would be guaranteed road access along the designated "blue routes" (Sarajevo-Ilidza-Hadzici-Tarcin-Jablanica-Mostar, Sarajevo-Rajlovac-Ilijas-Visoko-Zenica, Sarajevo-Bentbasa-Mokro-Sokolac-Vlasenica-Zvornik) as soon as UNPROFOR started to implement the military plan. This time interval while UNPROFOR was present in the country would allow a number of bypass roads to be constructed to give guaranteed access within the territory of each constituent republic.

D. The map

13. The Co-Chairmen's detailed discussions on the map started on 21 July 1993. They are determined to ensure that the suggestion made during their earlier clarification talks that any Muslim-majority republic should have at least 30 per cent of the territory of Bosnia and Herzegovina and have guaranteed access to the Sava river and to the sea at Ploce should be fulfilled.

14. The discussions on the map are continuing.

II. CROATIA

15. Following the military actions of the Croatian armed forces in January 1993, the Security Council, by its resolution 802 (1993), ordered, among other things, that Croatian government forces be withdrawn from the areas within or adjacent to the United Nations protected areas. Since then, successive rounds of discussions have been organized within the framework of the International Conference, as well as under the auspices of UNPROFOR, to bring about compliance with Security Council resolution 802 (1993).

16. On 15-16 July 1993, an agreement relevant to the implementation of that resolution was signed by Serb local authorities and by representatives of the Croatian Government. The Agreement followed contacts that the Co-Chairmen had had earlier with President Milosevic and President Tudjman, followed by discussions held in Zagreb and Erdut. The Agreement of 15-16 July provided that there would be no Croatian armed forces or police in the areas specified in the Agreement after 31 July 1993. UNPROFOR would move into those areas. In the villages of Islam Grcki, Smokovic and Kasic, Serb police together with United Nations Civilian Police (UNCIVPOL) would be present. With the withdrawal of the Croatian armed forces and police, according to the first paragraph of the Agreement, Maslenica Bridge, Zemunik Airport and Peruca Dam would be under the exclusive control of UNPROFOR. The building of a pontoon bridge could proceed after the signature of the agreement by both sides. Both sides agreed to intensify their efforts to reach a negotiated solution to all problems existing between them, starting with a cease-fire agreement to be negotiated by UNPROFOR. The text of the Agreement is set out in appendix III to the present report.

17. Following the signature of the Agreement, efforts continued to get the two sides to sign a cease-fire agreement. On 20 July 1993, Croatian and Serb delegations met in Vienna in a plenary session and reviewed a draft cease-fire agreement that had been produced by UNPROFOR. Initially the talks went well, with few significant differences between the parties. A military working group

was established to examine in detail the areas involved and the exact lines of withdrawal. However, after both sides consulted their authorities, it emerged that the Croatian Government considered that the cease-fire agreement was not linked to the agreement of 15-16 July, while the Serbs insisted that the Croatian forces should withdraw in accordance with that agreement before they would sign any global cease-fire. Despite the best efforts of the negotiators, it proved impossible to find a formula to reconcile these positions, and on 22 July the talks were adjourned until further notice.

18. Subsequently, on 23 July 1993 the Croatian authorities signed a unilateral undertaking to the agreement of 15-16 July in order for UNPROFOR units to start deploying in the Zemunik/Maslenica area not later than 0900 hours on 26 July. UNPROFOR forces would assume control of the whole area by no later than 31 July. The other areas would be taken over by UNPROFOR after the signing of a formal cease-fire agreement. The undertaking further provided that, in the villages mentioned in the Agreement of 15-16 July, UNCIVPOL would be present together with five Serb policemen in each village, armed with side-arms only. Those policemen would be allowed to cross the present confrontation line and enter the villages on 1 August. The text of the undertaking is set out in appendix IV to the present report. The Serb local authorities rejected the undertaking, as not falling within the scope of the agreement of 15-16 July.

19. The crux of the problem has been that the Croatian Government has not yet withdrawn from the areas from which they promised to withdraw in the Agreement of 15-16 July, while the Serbs repeatedly warned that, unless the Agreement is complied with by 31 July, they would feel free to shell the Maslenica Bridge and surrounding areas.

20. Numerous contacts have been made with the Croatian authorities in Zagreb and the Co-Chairmen of the International Conference have had discussions on the matter with President Tudjman.

21. On 25 July the Deputy Force Commander of UNPROFOR obtained an undertaking from the Serb leadership to refrain from all armed hostilities until 31 July 1993, in order to allow the Croatian armed forces and police to withdraw from the areas specified in the Agreement of 15-16 July. The text of the undertaking is set out in appendix V to the present report.

22. Repeated efforts to get the Croatian authorities to comply with the 15-16 July Agreement were unsuccessful and the Serbs continued to indicate that they would feel free to resume armed hostilities after 31 July.

23. On 30 July 1993, Croatian Defence Minister Susak informed the Deputy Force Commander of UNPROFOR as follows:

(a) United Nations military observers can go into all areas specified in the Agreement of 15-16 July;

(b) Armed troops can deploy into the area of the "blue zones", i.e. Maslenica Bridge, Zemunik Airport and Serbian villages;

(c) Discussions can continue after 31 July.

24. The Serb leadership considers that none of these proposals complied with the Agreement of 15-16 July.

25. The Security Council considered this situation on 30 July 1993. Having heard with deep concern a report from the Special Representative of the Secretary-General for the Former Yugoslavia, the Security Council demanded that the Croatian forces withdraw forthwith in conformity with the agreement of 15-16 July and that they permit the immediate deployment of UNPROFOR. The Council also demanded that the Krajina Serb forces refrain from entering the area. The Council called for maximum restraint from all the parties, including the observance of a cease-fire. The Council warned of the serious consequences of any failure to implement the Agreement of 15-16 July.

26. Following the issuance of the statement, the Co-Chairmen have been in contact with the parties and with others in a position to influence the situation so as to promote compliance with the decisions of the Security Council.

III. HUMANITARIAN ISSUES

27. Since the last report of the Secretary-General, Mrs. Sadako Ogata, United Nations High Commissioner for Refugees and Chairperson of the Humanitarian Issues Working Group, has maintained close contact with Governments of the region and with the Bosnian parties, through her Special Envoy and Chiefs of Missions. On 14 July 1993 she visited Sarajevo to express support to its besieged population and to re-emphasize to President Izetbegovic her commitment to continue humanitarian operations in Bosnia and Herzegovina, where possible.

28. On 16 July 1993, Mrs. Ogata chaired a meeting of the Humanitarian Issues Working Group in Geneva, attended by senior representatives of all Governments of the region, of a large number of interested States, and of several intergovernmental and non-governmental organizations. The meeting was addressed by Mrs. Ogata, Mr. Stoltenberg, Lord Owen, Mr. Nakajima of the World Health Organization (WHO), President Sommaruga of the International Committee of the Red Cross (ICRC) and by senior representatives of the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF). Mrs. Ogata informed the meeting of the serious obstacles affecting the international relief effort, including the ongoing denial and obstruction of humanitarian access in many areas of Bosnia and Herzegovina, and attacks on and harassment of relief staff. She highlighted the intensification of war and persecution and the dire conditions of the population of Sarajevo, and of those populations trapped in many other areas, such as Srebrenica and Mostar and in central Bosnia. Warning that, under these conditions a humanitarian catastrophe would be unavoidable during the coming winter months, she called on all Bosnian parties to respect the humanitarian and impartial nature of the international relief effort and to ensure unimpeded and safe access.

29. A further serious obstacle Mrs. Ogata mentioned was the shortfall in funding for all United Nations agencies participating in the relief effort. The shortfall had already resulted in cutbacks in various support programmes, including in Croatia and Yugoslavia (Serbia and Montenegro), which were facing substantial and rising social and economic difficulties. Mrs. Ogata emphasized

the need for continuous and increased burden-sharing with all regional countries of asylum, while calling on these and other States to continue to provide admission and proper treatment, under safe conditions, to persons in need of protection irrespective of their ethnic or religious origin.

30. Expressing concern about the difficulties faced by UNPROFOR and by the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations, the meeting reaffirmed its commitment to the international relief effort in the entire region. Many delegations expressed their willingness to participate in, or otherwise support, a UNHCR-proposed consortium to provide shelter to the increasing number of displaced persons, particularly in central Bosnia, and to undertake essential infrastructural repairs, where feasible. The continuing need to provide temporary protection was recognized, as well as the need to ease the burden of refugee-receiving States in the region. Financial pledges were made, totalling US$ 126 million, of which $63 million were for UNHCR's programme for the former Yugoslavia. While these pledges are encouraging, they will unfortunately not permit UNHCR and other humanitarian organizations to sustain the international relief effort for former Yugoslavia beyond October 1993. Moreover, while the number of people dependent on external assistance is rising daily, parties to the conflict in Bosnia and Herzegovina are rendering it increasingly difficult to reach the victims and to ease their plight.

IV. ARBITRATION COMMISSION

31. As the Secretary-General reported earlier to the Security Council (see S/25708, para. 19), the Working Group on Succession Issues had submitted to the Arbitration Commission six legal questions for its opinion. On 16 July 1993, the Arbitration Commission issued three advisory opinions, giving its views on four of the questions. These opinions are reproduced in appendix VI to the present report. The Commission also indicated that it would give responses relating to the other two questions shortly.

V. CONCLUDING OBSERVATIONS

32. During the latest round of peace talks on Bosnia and Herzegovina, unprecedented positive steps have been registered.

(a) The leadership of the three sides negotiated for the first time intensively, cordially and in a constructive manner for seven days continuously, and continues to do so;

(b) All three sides agreed to a constitutional framework for Bosnia and Herzegovina on 30 July;

(c) The political leadership of the three sides directed their military commanders to observe a cease-fire and an agreement to that effect was signed by the military commanders on 30 July;

(d) Fighting in Bosnia and Herzegovina has been decreasing greatly while the talks are on;

(e) Electricity and water are again available in Sarajevo, although there are still technical problems. The gas pipeline has now been turned on by the Hungarian authorities;

(f) Humanitarian convoys are getting through. The current success rate is 80 per cent;

(g) The delimitation of constituent parts of the State of Bosnia and Herzegovina has been taking shape and every effort is being made to see to it that the areas allocated to the Muslim-majority Republic, which contain most of the wealth and the industrial base of the country, should not be less than 30 per cent of the overall territory.

Appendix I

Agreement for a complete cessation of all combat activities among the parties in conflict of 30 July 1993

THE UNDERSIGNED MILITARY COMMANDERS, as representatives of their respective Parties in conflict,

Respecting the recent decisions of their commanders-in-chief in Geneva, made under the auspices of the International Conference on the Former Yugoslavia,

Mindful of their obligations under relevant Security Council resolutions, including to ensure UNPROFOR's safety and freedom of movement,

Recognizing the absolute urgency of the present situation and pledging their full efforts to see that this Agreement is honoured,

HAVE AGREED as follows:

Article I

CESSATION OF ALL COMBAT ACTIVITIES

1. Beginning upon signature of this Agreement, all forces of the three Parties shall cease firing and shall freeze all military activities, including military movements, deployments of forces and establishment of fortifications.

2. Written orders mandating such cessation of combat activities shall be issued, as soon as possible following signature of this Agreement, by each of the undersigned military commanders.

Article II

HUMANITARIAN AID AND FREEDOM OF MOVEMENT

Written orders shall be issued by the undersigned military commanders, as soon as possible following signature of this Agreement, permitting:

(a) Free passage for UNPROFOR;

(b) Free passage for UNPROFOR convoys and convoy escorts, subject to routine control of numbers of personnel and weapons entering and leaving the territory under the control of a Party; and

(c) Free passage for humanitarian aid convoys, subject to reasonable control of the contents and personnel that are part of the convoy at one checkpoint.

UNPROFOR acknowledges that each Party has legitimate concerns over movements within territories under its control. UNPROFOR shall provide notification of convoy movements.

Article III

VERIFICATION OF COMPLIANCE WITH THIS AGREEMENT

1. The undersigned military commanders shall confirm to UNPROFOR the issuance of orders required by this Agreement, and their acknowledgment by subordinate commanders. Full assistance shall be extended to UNPROFOR to permit it to monitor the implementation of this Agreement. UNPROFOR officers in the field may be consulted to provide assistance in implementation of this Agreement.

2. The undersigned military commanders, or their authorized representatives, shall continue to meet daily at a specified time while their commanders-in-chief are meeting in Geneva or, when necessary, on the request of any of the Parties. In accordance with the recommendation made in Geneva by the commanders-in-chief of the Parties, the draft "Military Agreement on the Cessation of Hostilities" shall be discussed, among other issues.

3. For urgent matters, the military commanders shall make available, through reliable communications on a 24-hour-a-day basis, a representative who is authorized to take decisions or reach those with such authority.

THIS AGREEMENT, done pursuant to the decisions of the commanders-in-chief of the Parties in Geneva, shall enter into force upon its signature.

DONE at Sarajevo Airport, on the 30th day of July 1993, in two versions, one in English and the other in the language of the Parties. Where there are differences of interpretation between the versions, the English version shall control.

(Signed) General Rasim DELIC

(Signed) Lieutenant-General Ratko MLADIC

(Signed) General Milivoj PETKOVIC

UNPROFOR WITNESSES:

(Signed) General Jean COT
Force Commander

(Signed) Lieutenant-General Francis BRIQUEMONT
Commander
Bosnia and Herzegovina

Appendix II

Constitutional agreement of the Union of Republics of Bosnia and Herzegovina

I. THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

Article 1

The Union of Republics of Bosnia and Herzegovina is composed of three Constituent Republics and encompasses three constituent peoples: the Muslims, Serbs and Croats, as well as a group of other peoples. The Union of Republics of Bosnia and Herzegovina will be a State Member of the United Nations, and as a Member State it shall apply for membership in other organizations of the United Nations system.

Article 2

The flag and emblem of the Union of Republics of Bosnia and Herzegovina shall be specified by a law adopted by the Union Parliament.

Article 3

(a) Citizenship of Bosnia and Herzegovina shall be determined by a law adopted by the Union Parliament.

(b) Every person who on the entry into force of this Constitutional Agreement was entitled to be a citizen of the Republic of Bosnia and Herzegovina shall be entitled to be a citizen of a Constituent Republic as well as of the Union of Republics of Bosnia and Herzegovina.

(c) Dual citizenship shall be allowed.

(d) Decisions about citizenship shall be made by the designated organs of the Constituent Republics, subject to appeal to the competent courts.

Article 4

Neither the Union of Republics of Bosnia and Herzegovina nor any of the Constituent Republics shall maintain any military force, and any forces existing on the date of the entry into force of this Constitutional Agreement shall be progressively disarmed and disbanded under the supervision of the United Nations and the European Community.

II. CONSTITUENT REPUBLICS AND THEIR RESPONSIBILITIES

Article 1

(a) The boundaries of the Constituent Republics shall be as set out in annex A, part I. Except as provided in paragraph (b) below, the boundaries of the Republics may be changed only by the procedure provided for amending this Constitutional Agreement.

(b) Marginal changes in the boundaries set out in annex A may be made by the Presidency on the recommendation of a Boundary Commission, which shall receive evidence from those specifically affected by them. The Commission shall consist of five persons appointed by the Secretary-General of the United Nations, of whom three shall be persons recommended by representatives of the three constituent peoples.

(c) The areas specified in annex A, part II, even though within the territory and under the jurisdiction of a Constituent Republic, shall be vested in the Union of Republics of Bosnia and Herzegovina, for the purpose of ensuring access by all citizens to buildings of the Union in Sarajevo, to the sea at Neum and to the Sava River.

(d) There shall be no border controls on boundaries between the Constituent Republics, and there shall be free movement of persons, goods and services throughout the territory of the Union of Republics of Bosnia and Herzegovina.

Article 2

(a) Each of the Constituent Republics shall adopt its own Constitution, which shall provide for democratic forms of government, including democratically elected legislatures and chief executives and independent judiciaries, as well as for the highest standards of human rights and fundamental freedoms. No provision of these Constitutions may be inconsistent with this Constitutional Agreement.

(b) The initial elections in each Constituent Republic shall be supervised by the United Nations and by the European Community.

Article 3

All governmental functions and powers, except those assigned by this Constitutional Agreement to the Union of Republics of Bosnia and Herzegovina or to any of its institutions, shall be those of the Constituent Republics.

Article 4

All acts taken by a competent governmental authority of any of the Constituent Republics shall be accepted as valid by the other Constituent Republics.

III. COMMON INSTITUTIONS OF THE UNION OF REPUBLICS OF BOSNIA AND HERZEGOVINA

Article 1

(a) The Presidency of the Union of Republics of Bosnia and Herzegovina shall consist of the President, or of an appointee of the legislature, of each of the Constituent Republics.

(b) The Chairmanship of the Presidency shall rotate every four months among the members of the Presidency. The Chairman of the Presidency shall represent the Union of Republics of Bosnia and Herzegovina.

(c) The Presidency shall take all its decisions by consensus.

Article 2

(a) The head of the Council of Ministers of the Union of Republics of Bosnia and Herzegovina shall be the Prime Minister, who shall be appointed and may be removed by the Presidency. The post shall rotate every year so as to be occupied in turn by the nominee of the President of a different Constituent Republic.

(b) The Presidency shall also appoint and may remove a Foreign Minister. The post shall rotate every year so as to be occupied in turn by the nominee of the president of a different Constituent Republic.

(c) The Prime Minister and the Foreign Minister shall be from different Constituent Republics.

(d) Other Ministers may be appointed by the Presidency. They and the Prime Minister and the Foreign Minister shall constitute the Council of Ministers, with responsibility for the policies of the Union of Republics of Bosnia and Herzegovina in relation to foreign affairs, international trade and the functioning of the common institutions, as well as any other functions and institutions that the Union Parliament may from time to time specify by law.

Article 3

(a) The Parliament of the Union of Republics of Bosnia and Herzegovina shall be composed of 120 representatives, one third each to be elected by the respective legislatures of the Constituent Republics.

(b) The Union Parliament may by a simple majority of the members from each Constituent Republic adopt laws within the competence of the Union of Republics of Bosnia and Herzegovina.

Article 4

The Union of Republics of Bosnia and Herzegovina shall have the following courts:

(i) A Supreme Court, composed of four judges appointed by the Presidency, no two of whom shall be from the same peoples, which, except as specified in subparagraph (iii) below, shall be the final court of appeals from the courts of the Constituent Republics;

(ii) A Constitutional Court, composed of three judges appointed by the Presidency, no two of whom shall be from the same Constituent Republic, which shall be competent to resolve by consensus disputes among the Constituent Republics, between any of these and the Union of Republics of Bosnia and Herzegovina or any of its common institutions, and among any of these institutions. Should the Court not be constituted or be unable to resolve a dispute, it shall be referred for a binding decision by a standing arbitral tribunal composed of judges of the International Court of Justice or members of the Permanent Court of Arbitration, one each of whom shall be selected by the President of each of the Constituent Republics and two of whom shall be selected by the Presidency or, if it is unable to do so, by the Secretary-General of the United Nations and by the President of the Council of Ministers of the European Community;

(iii) A Court of Human Rights to be established in accordance with resolution 93 (6) of the Committee of Ministers of the Council of Europe, whose precise composition and competence shall be as set out in the agreed annex B.

Article 5

Joint authorities between two or more of the Constituent Republics may be established by agreement of the Republics concerned if approved by a law adopted by the Union Parliament.

IV. INTERNATIONAL RELATIONS

Article 1

(a) The Union of Republics of Bosnia and Herzegovina shall apply for membership of European and international institutions and organizations, as decided by the Presidency.

(b) Any Constituent Republic may apply for membership of an international organizations if such membership would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

Article 2

(a) The Union of Republics of Bosnia and Herzegovina shall remain a party to all international treaties in force for the Republic of Bosnia and Herzegovina on the date of the entry into force of this Constitutional Agreement, unless the Union Parliament decides that steps to denounce any such treaty shall be taken. However, treaties entered into after 18 November 1990 shall be considered by the Union Parliament within a period of three months from

the entry into force of this Constitutional Agreement and shall remain in force only if the Union Parliament so decides.

(b) The Union of Republics of Bosnia and Herzegovina shall continue all diplomatic relations until the Presidency decides to continue or discontinue them.

(c) The Union of Republics of Bosnia and Herzegovina may become a party to international treaties if such participation is approved by the Union Parliament. The Parliament may by law provide for participation in certain types of international agreements by decision of the Presidency. To the extent such participation would involve responsibilities that are to be carried out by the Constituent Republics, their advance approval must be secured, except in respect of the treaties referred to in chapter V, article 3, below.

(d) Any Constituent Republic may, if eligible, become a party to an international treaty if such participation would not be inconsistent with the interests of the Union of Republics of Bosnia and Herzegovina or of either of the other Constituent Republics.

V. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 1

(a) Subject to article 2 below, all persons within the territory of the Union of Republics of Bosnia and Herzegovina shall be entitled to enjoy the rights and freedoms provided for in the instruments listed in annex C.

(b) Should there be any discrepancy between the rights and freedoms specified in any of these instruments, or between any of these and the rights and freedoms specified in any other legal provisions in force, the provision providing the greater protection for human rights and fundamental freedoms shall be applied.

Article 2

All courts, administrative agencies and other governmental organs of the Union of Republics of Bosnia and Herzegovina and of the Constituent Republics shall apply and conform to the rights and freedoms specified in the instruments listed in parts I and IV of annex C. The rights specified in the instruments listed in parts II and III of annex C shall be considered as aspirations to be attained as rapidly as possible; all legislative, judicial, administrative and other governmental organs of the Union and Republic Governments shall take these rights appropriately into account in promulgating, executing and interpreting any legislative provisions designed to or otherwise suitable for implementing such rights and in otherwise carrying out the functions of these organs.

Article 3

The Union of Republics of Bosnia and Herzegovina shall as soon as possible become a party to each of the international treaties listed in annex C.

Article 4

All organs of the Union and Republic Governments shall cooperate with the supervisory bodies established by any of the instruments listed in annex C, as well as with the International Human Rights Monitoring Mission for Bosnia and Herzegovina established by the United Nations.

Article 5

(a) All citizens shall have the right to settle in any part of the territory of the Union of Republics of Bosnia and Herzegovina. They shall have the right to have restored to the many property of which they were deprived in the course of ethnic cleansing and to be compensated for any property which cannot be restored to them.

(b) The Union Parliament, as well as the legislatures of the Constituent Republics, shall enact laws to assist in implementing these rights.

Article 6

To assist in implementing the rights and freedoms specified in this chapter and in particular in article 5 (a) above, ombudsmen shall be appointed and carry out functions initially as specified in annex D and thereafter as specified in a law adopted by the Union Parliament.

VI. FINANCES

Article 1

(a) The Union Parliament shall each year, on the proposal of the Prime Minister and with the subsequent approval of the Presidency, adopt a budget covering the expenditures required to carry out only those functions of the Union of Republics of Bosnia and Herzegovina relating to the maintenance of its common institutions and compliance with its international obligations, as well as such other functions as may from time to time be agreed by the Union Parliament.

(b) If no such budget is adopted in due course, the budget for the previous year shall be used on a provisional basis.

Article 2

(a) The expenditures provided for in the budget shall, except to the extent that other revenues are available or as otherwise specified in a law adopted by the Union Parliament, be covered in equal part by each of the Constituent Republics.

(b) Other sources of revenues, such as custom duties, fees for services or taxes on specified activities, may be determined by law.

VII. THE CONSTITUTIONAL AGREEMENT

Article 1

(a) This Constitutional Agreement may be amended by decision of the Union Parliament, when such amendment has been approved by each of the Constituent Republics according to its constitutional processes.

(b) No amendment may be adopted that abolishes or diminishes any of the rights or freedoms specified in chapter V.

Article 2

(a) This Constitutional Agreement may not be abolished and none of the Constituent Republics may withdraw from the Union of Republics of Bosnia and Herzegovina without the prior agreement of all of the Republics. Such a decision may be appealed to the Security Council by any of the constituent Republics, and the Council's decision shall be final.

(b) Should any of the Constituent Republics withdraw from the Union of Republics of Bosnia and Herzegovina, the areas specified in annex A, part II, that are within the territory of such Republic shall remain a part of the Union of Republics of Bosnia and Herzegovina.

Article 3

This Constitutional Agreement shall enter into force when approved as part of the overall peace settlement by representatives of the three constituent peoples, and on a date specified by them.

LIST OF ANNEXES

A. (See art. II.1 (a) and (c)) Part I: Boundaries of the constituent Republics; Part II: Areas vested in the Union of Republics of Bosnia and Herzegovina

B. (See art. III.4 (iii)) Composition and competence of the Human Rights Court

C. (See art. V.1 (a)) List of human rights instruments

D. (See art. V.6) Initial appointment and functions of the Ombudsmen

Appendix III

Agreement

1. There will be no Croatian armed forces or police in the areas specified on the attached map after 31 July 1993.

2. UNPROFOR shall move into the areas specified on the attached map.

3. In the villages of Islam Grcki, Smokovic and Kasic, Serb police together with UNCIVPOL will be present; the number of Serb police shall be agreed with UNPROFOR.

4. With the withdrawal of the Croatian armed forces and police according to paragraph 1 above, Maslenica Bridge, Zemunik Airport and Peruca Dam shall be under the exclusive control of UNPROFOR. The building of the pontoon bridge may proceed after the signature of this agreement by both sides.

5. Both sides agree to intensify their efforts to reach a negotiated solution to all problems existing between them, starting with a cease-fire agreement to be negotiated by UNPROFOR.

For the Krajina authorities:

(Signed) S. JARCEVIC
15 July 1993

For the Government of Croatia:

(Signed) Ivica MUDRINIC
16 July 1993

Witnessed, on behalf of the International Conference on the Former Yugoslavia, by:

(Signed) K. VOLLEBAEK

(Signed) G. AHRENS

(Signed) K. VOLLEBAEK

(Signed) General EIDE

Appendix IV

Complementary agreement, dated 23 July 1993, to the agreement of 15-16 July 1993

The areas mentioned in the agreement of 15-16 July 1993 will be under the control of UNPROFOR. UNPROFOR units will start to deploy in the Zemunik-Maslenica area not later than 0900 hours on 26 July 1993. UNPROFOR forces will assume control of the whole area by no later than 31 July 1993. The other areas will be taken over by UNPROFOR after the signing of a formal cease-fire agreement.

In the villages mentioned in the agreement of 15-16 July 1993, UNCIVPOL will be present together with five Serb policemen in each village, armed with side-arms only. Those policemen will be allowed to cross the present confrontation line and enter the villages on 1 August 1993.

For the Government of Croatia:

(Signed) Slavko DEGORICIJA (Signed) General STIPETIC

Witnessed, on behalf of UNPROFOR, by:

(Signed) General EIDE (Signed) General COT

Appendix V*

Serbian Republic of Krajina

1. In order to implement paragraph 1 of the Erdut agreement, i.e. to enable the unobstructed withdrawal of Croatian forces from the area indicated in the map annexed to the Erdut agreement, the Serbian Army of Krajina has ceased all armed hostilities since 18 July 1993. We strongly commit ourselves to refrain from all armed hostilities until 31 July 1993.

2. For the purpose of controlling the cessation of armed hostilities in this period, we are inviting the UNPROFOR Command to deploy urgently its forces and observers along the whole of the confrontation line, as has been agreed between the Serbian Army of Krajina and UNPROFOR.

3. We comply with UNPROFOR's request that, in compliance with the spirit of the Erdut agreement, their forces be deployed in the areas from which the Croatian forces will withdraw, on condition that we are previously given assurance by the UNPROFOR Command that they will withdraw from these areas until 2400 hours on 31 July 1993 if until then the Croatian side does not fully implement the agreement of 15 and 16 July 1993; in other words, if the Croatian side does not withdraw from all the areas indicated on the map annexed to the Erdut agreement.

4. We accept UNPROFOR's obligation to inform us on time on the plan of deployment of UNPROFOR forces in the specified areas.

5. We express our readiness to agree with the other side on the lasting cease-fire and restoration of peace after the Erdut agreement has been implemented.

Dorde BJEGOVIĆ
Prime Minister
[Signed on original Serbian version]

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* Reproduction of this appendix does not imply any official endorsement by the United Nations.

Appendix VI

[Original: French]

LETTER DATED 26 JULY 1993 FROM THE CHAIRMAN OF THE ARBITRATION COMMISSION OF THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA ADDRESSED TO THE CO-CHAIRMEN OF THE STEERING COMMITTEE OF THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

In response to the letter dated 20 April 1993, the Arbitration Commission of the International Conference on the Former Yugoslavia on 16 July 1993 issued three opinions relating to questions Nos. 2, 3, 4 and 6.

Attached hereto are the texts of opinions Nos. 11, 12 and 13 in their original language, French, as well as in an unofficial English translation.

In accordance with the possibility provided to it under article 7.5 of the rules of procedure of 26 April 1993, the Arbitration Commission has deferred consideration of questions Nos. 1 and 5 for one month.

(Signed) Robert BADINTER

Enclosure

A. OPINION NO. 11

On 20 April 1993, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia referred six questions to the Chairman of the Arbitration Commission, seeking the Commission's opinion.

Question No. 2 was:

> "On what date(s) did State succession occur for the various States that have emerged from the Socialist Federal Republic of Yugoslavia?"

On 12 May 1993, the co-Chairmen of the Steering Committee of the International Conference transmitted to the Chairman of the Commission a declaration by the Government of the Federal Republic of Yugoslavia raising a number of objections to the reference to the Commission. The members of the Commission unanimously adopted a document reacting to the assertions made by the Federal Republic of Yugoslavia; this was addressed to the Co-Chairmen of the Steering Committee of the International Conference on 26 May 1993. None of the States parties to the proceedings has contested the Commission's right to answer questions referred to it.

The Commission has taken cognizance of the memorandum, observations and other materials communicated by the Republic of Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia and the Republic of Slovenia, which have been passed on to all the successor States of the Socialist Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia has submitted no memorandum or observations on the questions referred.

1. In accordance with the generally accepted definition contained in article 2 of the 1978 and 1983 Vienna Conventions on the Succession of States, "'date of the succession of States' means the date upon which the successor State replaced the predecessor State in the responsibility for the international relations of the territory to which the succession of States relates".

2. In the case in point there is a particular problem arising from the circumstances in which State succession occurred:

> First, the predecessor State, the Socialist Federal Republic of Yugoslavia, has ceased to exist and, as the Commission found in its opinion No. 9, none of the successor States can claim to be the sole continuing State.
>
> Second, the demise of the Socialist Federal Republic of Yugoslavia, unlike that of other recently dissolved States (USSR, Czechoslovakia), resulted not from an agreement between the parties but from a process of disintegration that lasted some time, starting, in the Commission's view, on 29 November 1991, when the Commission issued opinion No. 1, and ending on 4 July 1992, when it issued opinion No. 8.

3. However, while these circumstances need to be taken into account in determining the legal arrangements applying to State succession (see arts. 18, 31 and 41 of the Vienna Convention of 8 April 1983 on Succession of States in respect of State Property, Archives and Debts), they are immaterial in determining the date of State succession, which, as the Commission indicated in paragraph 1 above, is the date upon which each successor State replaced the predecessor State. Since, in the case in point, the successor States of the Socialist Federal Republic of Yugoslavia are new States, and since they became independent on different dates, the relevant date is, for each of them, that on which they became States.

As the Commission indicated in opinion No. 1, this is a question of fact that is to be assessed in each case in the light of the circumstances in which each of the States concerned was created.

4. The issue is the same as regards the Republics of Croatia and Slovenia, both of which declared their independence on 25 June 1991 and suspended their declarations of independence for three months on 7 July 1991, as provided by the Brioni declaration. In accordance with the declaration, the suspension ceased to have effect on 8 October 1991. Only then did these two Republics definitively break all links with the organs of the Socialist Federal Republic of Yugoslavia and become sovereign States in international law. For them, then, 8 October 1991 is the date of State succession.

5. Macedonia asserted its right to independence on 25 January 1991, but it did not declare its independence until after the referendum held on 8 September 1991, the consequences of which were drawn in the Constitution adopted on 17 November 1991, effective on the same day. That is the date on which the Republic of Macedonia became a sovereign State, having no institutional link with the Socialist Federal Republic of Yugoslavia. So 17 November 1991 is the date of State succession as regards Macedonia.

6. In opinion No. 4, issued on 11 January 1991, the Arbitration Commission came to the view that "the will of the peoples of Bosnia-Herzegovina to constitute the Socialist Republic of Bosnia-Herzegovina as a sovereign and independent State [could] not be held to have been fully established". Since then, in a referendum held on 29 February and 1 March 1992, the majority of the people of the Republic have expressed themselves in favour of a sovereign and independent Bosnia. The result of the referendum was officially promulgated on 6 March, and since that date, notwithstanding the dramatic events that have occurred in Bosnia and Herzegovina, the constitutional authorities of the Republic have acted like those of a sovereign State in order to maintain its territorial integrity and their full and exclusive powers. So 6 March 1992 must be considered the date on which Bosnia and Herzegovina succeeded the Socialist Federal Republic of Yugoslavia.

7. There are particular problems in determining the date of State succession in respect of the Federal Republic of Yugoslavia because that State considers itself to be the continuation of the Socialist Federal Republic of Yugoslavia rather than a successor State.

As has been affirmed by all international agencies which have had to state their views on this issue, and as the Commission itself has indicated more than once, this is not a position that can be upheld.

The Commission opines that 27 April 1992 must be considered the date of State succession in respect of the Federal Republic of Yugoslavia because that was the date on which Montenegro and Serbia adopted the Constitution of the new entry and because the relevant international agencies then began to refer to "the former Socialist Federal Republic of Yugoslavia", affirming that the process of dissolution of the Socialist Federal Republic of Yugoslavia had been completed.

8. The Arbitration Commission is aware of the practical problems that might ensue from determining more than one date of State succession because of the long-drawn-out process whereby the Socialist Federal Republic of Yugoslavia was dissolved. One implication is that different dates would apply for the transfer of State property, archives and debts, and of other rights and interests, to the several successor States of the Socialist Federal Republic of Yugoslavia.

9. The Commission would point out, however, that the principles and rules of international law in general relating to State succession are supplemental, and that States are at liberty to resolve the difficulties that might ensue from applying them by entering into agreements that would permit an equitable outcome.

10. The Arbitration Commission consequently takes the view:

- That the dates upon which the States stemming from the Socialist Federal Republic of Yugoslavia succeeded the Socialist Federal Republic of Yugoslavia are:

  . 8 October 1991 in the case of the Republic of Croatia and the Republic of Slovenia,

  . 17 November 1991 in the case of the former Yugoslav Republic of Macedonia,

  . 6 March 1992 in the case of the Republic of Bosnia and Herzegovina, and

  . 27 April 1992 in the case of the Federal Republic of Yugoslavia (Serbia-Montenegro).

- That, unless the States concerned agree otherwise, these are the dates upon which State property, assets and miscellaneous rights, archives, debts and various obligations of the former Socialist Federal Republic of Yugoslavia pass to the successor States.

Paris, 16 July 1993

B. OPINION NO. 12

On 20 April 1993, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia referred six questions to the Chairman of the Arbitration Commission, seeking the Commission's opinion.

Question No. 3 was:

"(a) What legal principles apply to the division of State property, archives and debts of the Socialist Federal Republic of Yugoslavia in connection with the succession of States when one or more of the parties concerned refuse(s) to cooperate?

"(b) In particular, what should happen to property

- not located on the territory of any of the States concerned; or

- situated on the territory of the States taking part in the negotiations?"

Question No. 6 was:

"(a) On what conditions can States, within whose jurisdiction property formerly belonging to the Socialist Federal Republic of Yugoslavia is situated, block the free disposal of that property or take other protective measures?

"(b) On what conditions and under what circumstances would such States be required to take such steps?"

The Commission considers that these two questions form an entity and should be answered in one and the same opinion.

On 12 May 1993, the Co-Chairmen of the Steering Committee of the International Conference transmitted to the Chairman of the Commission a declaration by the Government of the Federal Republic of Yugoslavia raising a number of objections to the reference to the Commission. The members of the Commission unanimously adopted a document reacting to the assertions made by the Federal Republic of Yugoslavia; this was addressed to the Co-Chairmen of the Steering Committee of the International Conference on 26 May 1993. None of the States parties to the proceedings has contested the Commission's right to answer questions referred to it.

The Commission has taken cognizance of the memorandum, observations and other materials communicated by the Republic of Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia and the Republic of Slovenia, which have been passed on to all the successor States of the Socialist Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia has submitted no memorandum or observations on the questions referred.

1. In its opinion No. 9, the Arbitration Commission recalled the few well-established principles of international law applicable to State succession.

The fundamental rule is that States must achieve an equitable result by negotiation and agreement. The principle is applicable to the distribution of the State property, archives and debts of the Socialist Federal Republic of Yugoslavia.

2. If one or more of the parties concerned refused to cooperate, it would be in breach of that fundamental obligation and would be liable internationally, with all the legal consequences this entails, notably the possibility for States sustaining loss to take non-forcible countermeasures, in accordance with international law.

3. It follows from the principle formulated above that the other States concerned must consult with each other and achieve, by agreement between them, a comprehensive equitable result reserving the rights of the State or States refusing to cooperate.

Such an agreement is res inter alios acta in relation to third States, be they States refusing to cooperate or other States. In accordance with the established principle of international law enshrined in article 34 of the Vienna Convention on the Law of Treaties, whereby "a treaty does not create either obligations or rights for a third State without its consent", third States in whose territory property covered by State succession is situated are not required to take action in pursuance of such agreements.

However, such third States may, in the exercise of their sovereignty, give effect to them if they satisfy the conditions set out in paragraph 1 above.

4. Even in the absence of such agreements, third States may take such interim measures of protection as are needed to safeguard the interests of the successor States by virtue of the principles applicable to State succession.

5. Third States would be required so to do if an international agency with powers in the matter took decisions that were binding on States within whose jurisdiction property having belonged to the former Socialist Federal Republic of Yugoslavia was situated.

6. The Arbitration Commission consequently takes the view that:

- Refusal by one or more successor States to cooperate in no way alters the principles applicable to State succession as set out in opinion No. 9;

- Other States concerned may conclude one or more agreements conforming to those principles in order to secure the equitable distribution of the State property, archives and debts of the Socialist Federal Republic of Yugoslavia;

- Such agreements would not be binding on States which were not party to them, nor on other States in whose territory property having belonged to the Socialist Federal Republic of Yugoslavia was situated;

- However, this answer is without prejudice to the right of successor States sustaining loss by virtue of the refusal of one or more of the

parties concerned to cooperate, to take countermeasures in accordance with international law, to the right of third States to take the necessary safeguard measures to protect the successor States and to such obligations as might be incumbent on third States to give effect to decisions taken by an international agency having powers in the matter.

Paris, 16 July 1993

C. OPINION NO. 13

On 20 April 1993, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia referred six questions to the Chairman of the Arbitration Commission, seeking the Commission's opinion.

Question No. 4 was:

"Under the legal principles that apply, might any amounts owed by one or more parties in the form of war damages affect the distribution of State property, archives and debts in connection with the succession process?"

On 12 May 1993, the Co-Chairmen of the Steering Committee of the International Conference transmitted to the Chairman of the Commission a declaration by the Government of the Federal Republic of Yugoslavia raising a number of objections to the reference to the Commission. The members of the Commission unanimously adopted a document reacting to the assertions made by the Federal Republic of Yugoslavia; this was addressed to the Co-Chairmen of the International Conference on 26 May 1993. None of the States parties to the proceedings has contested the Commission's right to answer questions referred to it.

The Commission has taken cognizance of the memorandum, observations and other materials communicated by the Republic of Bosnia and Herzegovina, the Republic of Croatia, the former Yugoslav Republic of Macedonia and the Republic of Slovenia, which have been passed on to all the successor States of the Socialist Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia has submitted no memorandum or observations on the questions referred.

1. In opinion No. 9 the Arbitration Commission appreciates that there are few well-established principles of international law that apply to State succession. Application of these principles is largely to be determined case by case, depending on the circumstances proper to each form of succession, although the 1978 and 1983 Vienna Conventions do offer some guidance.

2. The Commission would point out in particular that articles 18, 31 and 41 of the Convention of 8 April 1983 are relevant where State succession occurs as a result of the dissolution of a pre-existing State. While equity has some part to play in the division of State property, archives and debts between successor States, these articles do not require that each category of assets or liabilities be divided in equitable proportions but only that the overall outcome be an equitable division.

3. However, this equitable outcome is to be obtained by reference to the law of State succession. The rules applicable to State succession, on the one hand, and the rules of State responsibility, on which the question of war damages depends, on the other, fall within two distinct areas of international law.

4. The equitable division of the assets and liabilities of the former Socialist Federal Republic of Yugoslavia between the successor States must therefore be effected without the question of war damages being allowed to interfere in the matter of State succession, in the absence of an agreement to the contrary between some or all of the States concerned or of a decision imposed upon them by an international body.

5. The Arbitration Commission would, however, underline the fact that its reply to the question referred to it is in no way prejudicial to the respective responsibilities of the parties concerned in international law. The possibility cannot be excluded in particular of setting off assets and liabilities to be transferred under the rules of State succession on the one hand against war damages on the other.

6. Subject to the observations made above, the Arbitration Commission consequently takes the view that amounts that might be owing by one or more parties in respect of war damages can have no direct impact on the division of State property, archives or debts for purposes of State succession.

Paris, 16 July 1993

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GENERAL ASSEMBLY
Forty-eighth session
Item 79 of the provisional agenda*
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Forty-eighth year

Letter dated 3 August 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a copy of the letter His Excellency Mr. Vladislav Jovanovic, Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to Her Excellency Madame Margaretha af Ugglas, Minister for Foreign Affairs of Sweden, Chairman-in-Office of the Council of the Conference on Security and Cooperation in Europe (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 79 of the provisional agenda, and of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

* A/48/150.

ANNEX

Letter dated 29 July 1993 from the Minister for Foreign Affairs of Yugoslavia addressed to the Chairman-in-Office of the Council of the Conference on Security and Cooperation in Europe

Thanking you for your letter of 23 July 1993, informing me once again of the unchanged position of the Conference on Security and Cooperation in Europe (CSCE) vis-à-vis the reintegration of the Federal Republic of Yugoslavia into CSCE, I take the opportunity to point to the fact that the Federal Republic of Yugoslavia is not the party that refused to allow continued functioning of the CSCE Missions of Long Duration in the Federal Republic of Yugoslavia; it was in fact the Committee of Senior Officials which rejected cooperation that the Federal Republic of Yugoslavia offered on a number of occasions. Particularly puzzling are the reasons for surprise since we made it quite clear already in April 1993, at the signing of the Protocol on the extension of the mandate of the CSCE Missions of Long Duration, that the Federal Republic of Yugoslavia wanted to continue normal cooperation within CSCE and that it was going to consider the question of the continuation of the work of the CSCE Missions of Long Duration in the light of the decision of the Committee of Senior Officials. Regrettably, as we can see from the decisions of the meeting of the Committee of Senior Officials on 29 and 30 June 1993 at Prague, the Committee did not consider our request for cooperation. To accuse the Federal Republic of Yugoslavia now of the lack of willingness to cooperate is, to say the least, contrary to the factual state of affairs.

I would like to assure you that the situation in Kosovo and Metohija, Raska and Vojvodina is absolutely under control and there is no danger to international peace and security. Certainly, there is no interest or motive for the Government of the Federal Republic of Yugoslavia to aggravate the situation in its own territory.

The sanctions that the international community established against the Federal Republic of Yugoslavia more than a year ago are one-sided, unjust, unfair and are maintained without any reason. They are increasingly becoming a destabilizing factor for the entire region. Their dangerous consequences are increasingly jeopardizing the health and the very existence of the population of the Federal Republic of Yugoslavia. This is reflected in particular in the lack of medicine and the shortage of spare parts for medical equipment, as well as in the difficulties in the field of transport, be it by air, rail, road or water, which has been disrupted or completely discontinued. The very survival of the peoples living in the Federal Republic of Yugoslavia has been jeopardized by the sanctions and this question of life and death should be included in agendas of international forums. We are still waiting for an answer as to why entire nations living in the Federal Republic of Yugoslavia are being collectively punished. Consequences of sanctions are increasingly being felt also by other peoples living in our region.

As far as the Missions of Long Duration are concerned, we are fully aware of the positive results of the Missions' presence in the Federal Republic of Yugoslavia and we have nothing against their renewed presence in future, but it

is for CSCE to decide when it would be prepared to accept our offer for normal cooperation with the Federal Republic of Yugoslavia.

We are indeed prepared to live up to the norms and principles that we have accepted as a CSCE participating State and all we want is precisely to participate.

Our desire and readiness to cooperate has been not only repeatedly stated, but has also been proved in practice by our acceptance of the Missions of Long Duration and of almost 70 various missions and over 800 journalists who visited Kosovo and Metohija alone during the last seven months. It is therefore surprising to learn that the Government of the Federal Republic of Yugoslavia has adopted a policy of non-cooperation with CSCE, while at the same time CSCE does not even consider our offers for cooperation.

We are repeating once again our full readiness to cooperate with CSCE, to have a dialogue concerning all questions related to that cooperation and without any conditions from our, or the CSCE, side.

(Signed) Vladislav JOVANOVIC
Foreign Minister

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S/26235
4 August 1993

ORIGINAL: ENGLISH

LETTER DATED 4 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of a statement issued by the Ministry of Foreign Affairs of the Azerbaijani Republic.

I should be grateful if you would have this letter and above-mentioned statement circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Ambassador
Permanent Representative

Annex

[Original: Russian]

Statement issued by the Ministry of Foreign Affairs of the Azerbaijani Republic

The Ministry of Foreign Affairs of the Azerbaijani Republic finds it necessary to register a strong protest because the Ministry of Foreign Affairs of the Armenian Republic and its missions abroad, in particular the Permanent Mission of Armenia to the United Nations, is flagrantly violating the generally accepted norms of intergovernmental relations and the principles and rules of international organizations by disseminating statements and appeals conducted in Erevan in the name of a non-existent "Nagorny Karabakh Republic".

The Ministry of Foreign Affairs of Azerbaijan expresses concern and indignation at a statement which the Permanent Mission of Armenia to the United Nations circulated on 23 July in the name of one K. Barburian, who has proclaimed himself "President of the Presidium of the Parliament of Nagorny Karabakh". As in the case of all other documents circulated by the Republic of Armenia, it is aimed at disinforming the international community and the United Nations together with its authoritative organ, the Security Council.

The Ministry of Foreign Affairs of Azerbaijan hopes that the United Nations and the Security Council will respond appropriately to such "diplomatic" practice by Erevan, which abuses the good offices of the United Nations Secretariat. At the same time, the Ministry of Foreign Affairs of Azerbaijan considers it necessary to reveal the real situation and to draw the international community's attention to the patent contradiction between the true facts and the Armenian insinuations.

One has only to compare the dates of communications from the Armenian side concerning offensive military operations on the eastern frontiers of the "Nagorny Karabakh Republic" allegedly conducted by Azerbaijan with actual events on those dates in order to discover the full dimension of the falsity of Armenian propaganda. The same is true of May 1992, when Shusha and Lachin districts in the Azerbaijani Republic were captured, while the Armenian mass media loudly proclaimed that the security of the "peaceful" population of Hankendi was threatened. It is true also of December 1992, when Armenian armed forces invaded the Zangelan, Kubatly and Djebrail districts of Azerbaijan and occupied 15 villages, yet Armenia appealed to the international community to bring to a halt the Azerbaijani attack on the Goris district of Armenia. It is true also of March 1993, when the Kelbajar district of Azerbaijan was occupied, while Erevan persisted in trying to convince the entire world that the conflict had been escalated by the Azerbaijani side. With a singular lack of originality, the Ministry of Foreign Affairs of Armenia is continuing in the same vein. From 12 June onwards, communications from Erevan concerning the alleged attack on Askeran being prepared by Azerbaijan have been circulated. Some time later, and this now is reality, Armenian armed forces waged a large-scale attack on the Agdam district of Azerbaijan, which affected 123 settlements and 178,000 inhabitants, including 20,000 refugees from other occupied districts of Azerbaijan. In the course of this attack, the city of Agdam and 49 villages

were occupied and some 200,000 civilians were killed and wounded. The number of refugees totalled 160,000. The 2nd Army Corps of the Armenian army and additional forces transferred from Armenia and occupied Kelbajar took part in the assault on Agdam.

Such are the actual events requiring due appraisal by the United Nations Security Council and a suitable response.

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S/26236
4 August 1993

ORIGINAL: ENGLISH

LETTER DATED 4 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF ARMENIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you herewith a fax-transmitted copy of a statement by the Ministry of Foreign Affairs of the Republic of Armenia of 2 August 1993, regarding Security Council resolution 853 (1993) of 29 July 1993.

I should be grateful if you would circulate this statement as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Permanent Representative

Annex

Statement issued on 2 August 1993 by the Ministry of Foreign Affairs of the Republic of Armenia

The Ministry of Foreign Affairs of the Republic of Armenia appreciates the continuing interest of the international community and especially the Security Council in finding a peaceful solution to the Nagorny Karabakh conflict.

The Ministry of Foreign Affairs shares the concern expressed by the Security Council in its resolution 853 (1993) regarding the recent escalation of military operations in the region. This escalation is the result of the mistrust between the parties to the conflict, the impact of the domestic situation in Baku on the military situation, the differences between the interests of countries in the region and the cumulative effect of the blockades.

In this regard, Security Council resolution 853 (1993) is an important step in removing the obstacles to the establishment of a durable cease-fire.

The Ministry of Foreign Affairs welcomes especially the Council's recognition, as expressed in resolution 853 (1993), of the importance of direct contacts between the parties to the conflict, which, in our evaluation, is an expression of support for the Baku-Stepanakert dialogue. Without contradicting the logic of the Minsk process, the dialogue between the parties to the conflict is the most efficient way to achieve mutual trust. In the case of support by the Conference on Security and Cooperation in Europe (CSCE), these direct contacts could become a practical basis for the achievement of a durable cease-fire. Armenia is confident that the Minsk Group and its chairmanship could make the best use of the dialogue established between the two parties.

Significant also in Security Council resolution 853 (1993), is the condemnation of attacks on civilians and bombardments of inhabited areas, which undoubtedly refers to the military operations undertaken by Azerbaijan against Kapan, Vardenis and Stepanakert.

The Ministry of Foreign Affairs of the Republic of Armenia welcomes the appeals for the lifting of the blockades and the opening of all roads to humanitarian assistance and, in its turn, appeals to all sides to follow Armenia's example by opening the roads passing through their territories.

Armenia expresses deep concern about any statement, including any reference in Security Council resolution 853 (1993), which attempts to predetermine the outcome of the Minsk Conference. The Republic of Armenia expresses the hope that hereinafter, the international community, comprehending the threat to the lives and security of the people of Nagorny Karabakh, will demonstrate a more balanced position on these issues.

Armenia calls upon all parties to refrain from military operations and provocations, and continues to believe that the United Nations-supported CSCE Minsk process remains the best forum for the resolution of the conflict.

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S/26237
4 August 1993
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ORIGINAL: ARABIC

LETTER DATED 2 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I should like to inform you that on 30 July 1993 Radio Tehran alleged that Iraqi aircraft had twice violated Iranian airspace during the month of June. The Government of the Republic of Iraq categorically denies these Iranian allegations, and it affirms that no Iraqi aircraft has made any penetration of Iranian airspace and that Iraq has adhered to the cease-fire agreement pursuant to Security Council resolution 598 (1987).

I should like in this connection to refer to the many letters I have addressed to you concerning Iranian violations, all of which confirm the falsity of these Iranian allegations. Iranian aircraft have violated Iraqi airspace on many occasions, and it is enough for me to refer to the most serious such incidents, namely the air raid carried out by eight Iranian aircraft on the Khalis area on 5 April 1992 (S/23785), the air raid launched by six Iranian aircraft on an Iraqi civilian hospital in the Raniyah area on 13 March 1993 (S/25473), and the air raid carried out recently by six Iranian aircraft on the Khalis and Jalula' areas on 25 May 1993 (S/25864).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

93-43576 (E) 050893 050893 080893

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Security Council

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GENERAL

S/26238
4 August 1993
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 3 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and further to my letters, the most recent being No. 1/6/371 of 27 July 1993, I have the honour to inform you that the Iranian regime has again bombarded the border areas in the northern sector of Iraq. The most recent developments are as follows:

1. On the night of 30/31 July 1993, the artillery of the Iranian regime intermittently shelled the border areas of Sunah, Shinah and Shiwarazah north-east of Qal'at Dizah, setting grain fields on fire.

2. On the night of 31 July/1 August 1993, the artillery of the Iranian regime shelled the Shinah border area north-east of Qal'at Dizah and the Balankan valley north of Raniyah township in Sulaymaniyah governorate, causing the population to flee to Raniyah township.

The Government of the Republic of Iraq protests in the strongest terms against these fresh Iranian acts of aggression, which constitute a flagrant violation of Iraq's sovereignty and blatant intervention in its internal affairs, and it condemns the Iranian regime's persistent violation of Security Council resolution 598 (1987).

The Government of the Republic of Iraq requests your intervention to prevent the Iranian side from repeating such acts of aggression, which are contrary to the norms of international law and the Charter of the United Nations, and it reserves its full right to respond by using any appropriate means in order to safeguard Iraq's legitimate rights.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

93-43582 (E) 050893 050893 080893

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S/26239
4 August 1993

ORIGINAL: ENGLISH

LETTER DATED 4 AUGUST 1993 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

The members of the Security Council welcome your report (S/26185) of 28 July 1993 on the situation concerning Western Sahara.

The members of the Council fully support your efforts to make early progress on the preparations for holding the referendum in accordance with resolution 809 (1993). They note that the Identification Commission has now begun preparatory work. They welcome the reaffirmation by the two parties of their commitment to the implementation of the peace plan in its entirety, and, in particular, their encouraging responses to your compromise proposal concerning the interpretation and application of the criteria, and their determination to work towards an early referendum.

The members of the Council agree that the holding of direct talks between the two parties in Laayoune from 17 to 19 July 1993 is a positive development and share your hope that talks will soon resume.

The members of the Council reiterate their support for your renewed efforts to resolve outstanding issues so that an early referendum may be held, and hope they will soon receive your full report in this regard.

(Signed) Madeleine K. ALBRIGHT
President of the Security Council

93-43607 (E) 040893 040893

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S/26240
5 August 1993

ORIGINAL: ENGLISH

NOTE VERBALE DATED 30 JULY 1993 FROM THE PERMANENT MISSION OF LIECHTENSTEIN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Principality of Liechtenstein to the United Nations presents its compliments to the Secretary-General and, with reference to paragraph 13 of Security Council resolution 841 (1993) concerning the embargo against Haiti, has the honour to state that the Liechtenstein Government has adopted the following economic measures, which entered into force on 22 July 1993:

1. Prohibition of the sale or supply of arms and related material.

2. Prohibition of the sale or supply of petroleum or petroleum products. Upon request, the Liechtenstein Government may grant exceptions for humanitarian reasons.

3. Prohibition of transport of the above-mentioned, including any kind of forwarding arrangements.

4. Freezing of funds and capital assets held in Liechtenstein by the Government or the de facto authorities of Haiti or by legal entities controlled directly or indirectly by the Government or the de facto authorities of Haiti. Upon request, the Liechtenstein Government may grant exceptions for humanitarian reasons.

For information, a copy of the ordinance of 6 July 1993 is attached.*

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* The text of the ordinance is available for consultations in the Security Council secretariat, room S-3545.

93-43637 (E) 050893

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5 August 1993
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LETTER DATED 4 AUGUST 1993 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon gaining its independence, the Republic of Tajikistan embarked on the establishment of its legal system and the creation of the structures and democratic institutions essential to a sovereign State. In May 1992, however, the Tajik opposition, by the use of force, seized power and plunged Tajikistan into civil war. After suffering defeat, the opposition crossed over into the territory of the Islamic State of Afghanistan.

At its sixteenth session, the Supreme Council of the Republic of Tajikistan restored the rule of law in the country. The session elected the new members of the Presidium of the Supreme Council and approved the members of the Council of Ministers of the Republic of Tajikistan, who are making every effort to restore peace and stability in the Republic and to create normal conditions for the peaceful life and constructive work of its citizens.

The people and Government of Tajikistan are profoundly concerned by the powerful and well-coordinated acts of armed aggression perpetrated by certain groups of Afghan mujahidin and the Tajik armed opposition from the territory of the Islamic State of Afghanistan in the territory of the independent and sovereign State of Tajikistan and against Russian frontier guards who, at the request of the leaders of our country, are protecting its frontier with the Islamic State of Afghanistan. This joint aggression is designed to undermine stability both in Tajikistan and throughout the Central Asian region.

These revanchist acts of extremism and terrorism bear witness to the prior existence of a carefully worked out subversive plan, directed against the Tajik people. The situation on the Tajik-Afghan frontier remains highly volatile and is the cause of serious concern.

I am compelled by these circumstances to address this letter to you and to draw your attention to the appeal by the Coordinating Council of National Associations and Communities of the Republic of Tajikistan of 30 July 1993 to the Heads of State of the Members of the United Nations, the Conference on Security and Cooperation in Europe, the international community and the people of Afghanistan, condemning the extremist forces in Afghanistan and the Tajik revanchists.

The appeal refers, inter alia, to the establishment in certain places in Afghanistan of training centres for guerrillas. With the support of certain Afghan field commanders, these guerrillas are carrying out armed attacks on Russian frontier guards, who are performing their duty in accordance with the Treaty on Collective Security of the member States of the Commonwealth of Independent States. What is most troubling is that the Tajik armed opposition and the groups of Afghan mujahidin, together with their accomplices, are attempting to set the peoples of Tajikistan, the Russian Federation and Afghanistan against each other and to provoke them into an armed conflict, thus igniting large-scale inter-ethnic and inter-State hostilities. The document entreats the Afghan people, who have themselves experienced the horrors of many years of war, not to believe the leaders of the Tajik armed opposition, who were overthrown by the people of Tajikistan.

Today marks the conclusion of the operation to rout the anti-government band of Tajik guerrillas and Afghan mujahidin who, at the end of June 1993, infiltrated the area near the eleventh frontier post of the Moskovsky frontier guard detachment. The build-up of large numbers of Tajik armed opposition forces and Afghan mujahidin is, however, continuing in the territory of Afghanistan along the frontier with Tajikistan. In these circumstances, the Government of Tajikistan supports the statement by the Russian Government and considers that, given the present developments, the only alternative is decisive action to put an end to the armed aggression in the area of the Tajik-Afghan frontier, in full conformity with the right of individual and collective self-defence, provided for under Article 51 of the Charter of the United Nations.

At the same time, the Government of Tajikistan is making active endeavours to normalize the situation on the Tajik-Afghan frontier through political negotiation and is prepared to enter into peaceful dialogue with the Afghan side at any level, including direct meetings and talks between the Heads of State of Tajikistan and Afghanistan. On 1 August 1993, the Minister for Foreign Affairs of Tajikistan, Mr. Rashid Alimov, twice approached his Afghan counterpart, Mr. Hedayat Amin Arsala, with the proposal that they should meet urgently to discuss the situation on the frontier between Tajikistan and Afghanistan and to elaborate settlement measures.

My Government is taking diplomatic steps to set in motion, at the earliest possible date, multilateral talks on a settlement of the situation between our two neighbouring countries, Tajikistan and Afghanistan, in the hope of satisfying the aspiration for peace felt so strongly by the Tajik and Afghan peoples.

The Government and the people of Tajikistan greatly appreciate the steps which you have taken to promote the establishment of peace and stability in our region and express the hope that you personally and your representatives will continue to render assistance to all the parties to the conflict in the search for a political settlement to the situation on the Tajik-Afghan frontier, with all its ramifications.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Lakim K. KAYUMOV
Ambassador
Permanent Representative